

1 these issues yet again.

2 JUDGE SIPPEL: I think we should get finished with
3 Mr. Lehmkuhl and let him go.

4 MR. BECKNER: Yes. Thank you, Your Honor.

5 JUDGE SIPPEL: And then get any clean-up done. Do
6 you agree with that, Mr. Lehmkuhl?

7 THE WITNESS: Yes. Thank you.

8 BY MR. BECKNER:

9 Q Now, Mr. Lehmkuhl, do you know whether or not
10 additional documents from the group that you sent up to New
11 York were then pulled out by the Constantine firm on the
12 basis either that they weren't responsive or that they were
13 covered by a claim of privilege?

14 A Could you ask that question again?

15 Q Yes. Do you know whether or not additional
16 documents from the group that you sent up from New York were
17 pulled out and not produced --

18 A Yes.

19 Q -- by the Constantine firm because they were
20 deemed not responsive to a request or because they were
21 deemed privileged?

22 A Yes.

23 Q Okay. Would -- would that be -- I asked in
24 essence two questions. Would that be for both non-
25 responsiveness and privilege?

1 A I mean, I -- I -- I don't know. I'm not -- I
2 don't know what they look for in their distinction. I mean,
3 I'm assuming that all those documents appeared on the
4 privileged log.

5 Q Okay. I -- well, it's my fault for making a
6 question that wasn't perhaps entirely clear. Do you know if
7 the Constantine firm removed any documents from the
8 population or the group that you sent up because they
9 thought that the documents were not responsive to a request?

10 A It's possible. I don't -- I don't know for sure.
11 I wasn't -- I wasn't a part of that.

12 Q Okay. I mean, I take it from your answer that if
13 they did that, they did not consult with you about whether
14 or not a particular document was or was not responsive?

15 A That's correct.

16 Q All right. Now I'll ask the same question with
17 respect to any documents that the Constantine firm removed
18 from the production under a claim of privilege. Did they do
19 that, as well, to your knowledge?

20 A I believe so.

21 Q Okay. So if -- if we can get a picture of the
22 process here, we had both you and your colleagues at -- at
23 Pepper & Corazzini pulling documents that were from the
24 production that were deemed privileged and we also had
25 people at the Constantine firm removing documents under a

1 claim of privilege, as well. Is that right?

2 A During the course of the whole process, that may
3 be true -- I'm -- I believe. But our position was to give
4 Constantine & Partners as much of the information as
5 possible.

6 Q Well, no, I understand what your position was.
7 I'm just trying to find out -- you've testified that you and
8 Mr. Barr made some privilege determinations from the
9 documents before you shipped them to New York. And I'm
10 trying to find out whether or not someone in New York did a
11 similar process with the documents that in effect went
12 through your screen, that is the ones that you had not
13 pulled out under a claim of privilege.

14 A I can only assume that that was the case.

15 Q Well, I'm not asking you to assume.

16 A I don't know. I wasn't -- I wasn't up there at
17 Constantine & Partners going through that. So I don't know.

18 Q Then I take it that you didn't ever have any
19 discussion with anybody at Constantine & Partners about a
20 particular document that they identified that they thought
21 possibly might be subject to a claim of privilege.

22 A I don't recall a specific conversation. It may
23 have occurred, but I don't recall.

24 Q Okay. The privilege log that you say you have
25 seen --

1 A I have not seen the privileged log.

2 Q You've not seen --

3 A No.

4 Q I'm sorry. You've not seen the privileged log.

5 Well, do you know if anybody in your firm did a side-by-side
6 comparison of the documents identified on the privileged log
7 with the ones that you and your -- Mr. Barr pulled from the
8 file before it went to New York to make sure that the log
9 covered all those documents?

10 A I -- I don't know. But any documents that should
11 have been produced, have been produced. I mean --

12 JUDGE SIPPEL: Hold on a minute. Mr. Spitzer?

13 MR. SPITZER: Your Honor, only in the interest of
14 expediting this, could I suggest that maybe the Witness
15 could step out so I could just put one something on the
16 record.

17 JUDGE SIPPEL: All right.

18 MR. SPITZER: I don't by any means mean to
19 interrupt Mr. Beckner's examination. But it may just assist
20 here.

21 JUDGE SIPPEL: Mr. Beckner, do you have any
22 objection to that?

23 MR. BECKNER: No, but I -- I guess we're --

24 JUDGE SIPPEL: Do you have -- do you have much
25 more to go on this?

1 MR. BECKNER: No, no. I don't. And I mean we're
2 just finding out what this Witness knows. If this Witness
3 doesn't know everything that there is to know, then, you
4 know, perhaps another Witness needs to fill in the gaps.
5 And if Mr. Spitzer wants to take the stand, maybe he can do
6 it.

7 JUDGE SIPPEL: Well, this is a collateral issue at
8 the present time.

9 MR. BECKNER: I understand.

10 JUDGE SIPPEL: So let's -- let's keep it in the
11 right tenor. Go ahead if -- I'll let him try and finish,
12 Mr. Spitzer. But if it gets too much more prolonged, we
13 will -- we'll take you up on your offer. Go ahead, Mr.
14 Beckner.

15 MR. BECKNER: All right. Thank you, Your Honor.

16 BY MR. BECKNER:

17 Q Mr. Lehmkuhl, do you know whether or not more
18 recently than last April, there was any kind of a re-
19 examination or re-search of any files in your firm in
20 conjunction with making sure that the document request had
21 been complied with?

22 A I believe there was, yes.

23 Q Okay. And would that re-search or re-examination
24 have included a re-examination of any documents that you or
25 Mr. Barr had set aside from the original production as

1 privileged?

2 A Yes.

3 Q Okay. I take it that -- that whatever you set
4 aside from the original production as privileged, since
5 April up until now, you have left set aside in a file so
6 that you can go back and find them quickly?

7 A No.

8 Q Well, did you just return the files to the --
9 documents to the files that they came from when you -- when
10 you --

11 A Yes. I mean, most of these were the inventories.
12 It's all returned to the file. We have not kept those
13 separate.

14 Q Okay. So what you're saying is did somebody go
15 back through the entire -- all the files again?

16 A I'm not sure what you mean.

17 Q Well, I mean, you testified that there had been a
18 re-search of some sort of your firm's files pertaining to
19 Liberty. And I'm just trying to find out, if you know, you
20 know, what that consisted of.

21 A No, I don't.

22 Q All right. Do you know who did the re-search?

23 A I'm not sure. I mean, with regard to the
24 inventories that we discovered, I was -- I was the one who
25 went back and got the inventories. But that's as far as I

1 know.

2 Q Well, when you went back, did you go back to a
3 specific file or -- I mean, just tell us what you went back
4 to.

5 A To the -- to the correspondence files.

6 Q Did you go through --

7 A Through the entire files, yes.

8 Q Okay. You went through the whole file for the
9 relevant data.

10 A Yes.

11 Q All right. Let me just ask you a couple of
12 questions about this Time Warner/Cablevision Exhibit 34
13 which is the -- your April 28th, 1995 memorandum. You say
14 in your declaration here that -- that you discovered this
15 file on January 6th. And you've testified about that today.
16 Was this document out of place in the file? Was it -- when
17 you found it, was it, you know, in a -- in a group of
18 documents with dates that are much different than the date
19 on this document?

20 A No.

21 Q Do you have any idea why it was that this document
22 was not identified on the first file search?

23 A As I stated in my declaration, it was -- it was an
24 oversight.

25 Q Do you know whether or not this document was

1 originally sent up to Pepper & Corazzini when you did the
2 April -- I mean, I'm sorry, to Constantine & Partners when
3 you did the April production?

4 A Say that again, please.

5 Q When you did the original document production from
6 your firm, you said that you sent the whole group of
7 documents up to Constantine & Partners.

8 A Yes.

9 Q Do you know whether or not this document -- that
10 is, Time Warner/Cablevision Exhibit 34 -- was in that group
11 or not?

12 A I don't know.

13 Q I take it you have no way of tracking right now
14 from your own files which documents are the ones that you
15 sent up to New York.

16 A That's correct.

17 Q All right. So it's possible this document could
18 have been sent up to New York. You just don't know.

19 A Yes.

20 Q All right.

21 JUDGE SIPPEL: Let me -- is there -- was there an
22 inventory of what was sent up to New York by your firm?

23 THE WITNESS: I don't believe so.

24 JUDGE SIPPEL: No?

25 THE WITNESS: I don't believe so.

1 JUDGE SIPPEL: Do you have some kind of a number
2 and --

3 THE WITNESS: No.

4 JUDGE SIPPEL: -- so that you knew what was going
5 up to New York?

6 THE WITNESS: No.

7 JUDGE SIPPEL: Okay.

8 BY MR. BECKNER:

9 Q Were these documents that were originally produced
10 from your files, were they sent to any -- anyone else other
11 than the Constantine law firm for review to your knowledge?

12 A I don't recall.

13 Q Do you know whether or not any other law firm
14 other than the Constantine firm was involved in -- in
15 complying with the document request -- I mean, other than of
16 course your own?

17 A I don't recall. I believe there were others, but
18 I don't recall.

19 Q Well, do you know whether or not anyone at the
20 Ginsburg, Feldman firm was involved in complying with the
21 document request?

22 A I don't know.

23 Q All right. Do you know -- at the time that you
24 made your original, I'm going to call it, first cut at the
25 production and sent it up to New York, did that include

1 copies of your -- of your bills that you had sent to this
2 client?

3 A I believe they did. I did not review those.

4 Q Okay. Did Mr. Barr review them?

5 A Yes.

6 Q Okay. So -- so, for example, if there were
7 billing transcripts that reflected the fact that, as you
8 testified to yesterday, that you had a phone conversation
9 with Mr. Nourain about something, that document as far as
10 you know would have been sent up to New York?

11 A Yes.

12 MR. BECKNER: All right. I think -- okay. That's
13 all.

14 JUDGE SIPPEL: Do you have much on this, Mr. Holt?

15 MR. HOLT: Possibly not anything --

16 JUDGE SIPPEL: All right.

17 MR. HOLT: -- if I can just take a quick moment to
18 just --

19 JUDGE SIPPEL: Let's go off the record.

20 (Off the record.)

21 JUDGE SIPPEL: Back on the record.

22 BY MR. HOLT:

23 Q When you provided the April 28th, 1995 memorandum
24 to Mr. Begleiter and Mr. Spitzer at Constantine & Partners
25 on January 6th, was that during a face-to-face meeting or --

1 A Yes, it was.

2 Q Do you -- what if any reaction did they have to
3 the receipt of this document?

4 A They were -- they were surprised to see it.

5 Q Did you have any discussion with them about
6 whether or not the document had been produced earlier?

7 A Yes.

8 Q And can you describe -- relate to me the substance
9 of the conversation?

10 A Yes. It was my assumption that it had been
11 produced. And I had shown it to them merely as a reference.
12 We had been discussing an issue on preparation for today.
13 And I had shown it to them. And they were -- they were
14 surprised to see it. But after that, we went through and
15 searched through the files to make sure that -- to determine
16 whether or not it was in the document production.

17 Q So you compared a -- some sort of inventory of
18 materials that were produced with documents that were not --

19 A It was done there. I didn't do it personally.

20 Q But you know that there was some process by which
21 a comparison was made of the documents that were produced
22 versus those that were not?

23 A I don't know what the process was. I mean, some -
24 - we gave it to a paralegal and they checked. I don't know.

25 MR. BEGLEITER: Your Honor, if there's any

1 production we've missed, I'd like to hear from Mr. Holt.

2 MR. HOLT: No, that's certainly not the case.

3 MR. BEGLEITER: Okay.

4 BY MR. HOLT:

5 Q Earlier in response to a question by the Presiding
6 Judge, you indicated that you're now confident that all the
7 documents have been -- relevant to the proceeding have been
8 produced.

9 A Yes.

10 Q But now, isn't it fair to say that the only thing
11 you're confident of is that all the documents that you
12 deemed relevant under your search of the documents in your
13 files were sent to Constantine & Partners?

14 A No, that's not the case. I'm confident that every
15 -- every document relevant to this proceeding has been
16 entered in the -- has been produced.

17 Q And what's the basis for that confidence?

18 A Well, I believe last week, we went through
19 everything again once more.

20 JUDGE SIPPEL: In fairness to the Witness now, I
21 mean, you're saying this is all in connection with what is
22 in the Pepper & Corazzini files.

23 THE WITNESS: Yes, that's correct.

24 JUDGE SIPPEL: You're not speaking about Liberty
25 or about the other attributes in this case.

1 THE WITNESS: That's right. Thank you.

2 BY MR. HOLT:

3 Q I -- yes, I want to make sure I understand what
4 you're saying. You're confident that all of the materials
5 that are relevant to this proceeding that are in Pepper &
6 Corazzini's files have been given to --

7 A That's correct.

8 Q -- counsel for Time Warner and Cablevision?

9 A Well, I can't say what Constantine & Partners have
10 done with it. But I know that we've made -- we went through
11 the files again. I oversaw them. I didn't do it personally
12 last week, but it was done.

13 Q Okay. So you're confident -- initially you went
14 through the files and you conducted an assessment as to
15 whether -- on an individualized basis with respect to each
16 document as to whether or not that document fell within the
17 document production request, right?

18 A Yes, yes.

19 Q And then you turned those documents that you
20 deemed to be relevant over to Constantine and Partners.

21 A That's correct.

22 Q And recently you went through that process again
23 to confirm that all the documents in the Pepper & Corazzini
24 files had been sent to -- that you deemed to be relevant had
25 been sent to the Constantine firm.

1 A We went through all the files --

2 Q Okay.

3 A -- not just the ones relevant. We -- we went
4 through the entire files again.

5 Q So you're confident that those documents have been
6 produced to Constantine & Partners, but you don't know
7 whether or not they've been provided to counsel for Time
8 Warner, Cablevision or the Bureau.

9 A I'm only the Witness here. I'm not a --

10 JUDGE SIPPEL: He's been asked and answered three
11 times. And he's done as much as he possibly can on that
12 point.

13 BY MR. HOLT:

14 Q Mr. Lehmkuhl, when you indicated earlier that you
15 casted a wide net during your initial search of the
16 documents, did you -- initial review of the documents, did
17 you go beyond what you believe to be your obligations under
18 the document production request?

19 A I don't know. No, we were following the -- we
20 were following the document production -- the document
21 request.

22 MR. HOLT: Those were all questions I had. Thank
23 you, Your Honor.

24 JUDGE SIPPEL: All right. Does anyone else have
25 anything more of this Witness? Redirect, of course.

1 There's now time for redirect.

2 MR. SPITZER: Your Honor, I just want to make one
3 very small point on the document issue. I don't know if you
4 -- if it matters in front of this Witness. I think he's
5 testified fully about it.

6 JUDGE SIPPEL: Well, you know, it's a very
7 abstract question. It's hard for me to deal with that.

8 MR. SPITZER: It is indeed. Would you prefer that
9 he step out and --

10 JUDGE SIPPEL: I think I had better do it that
11 way. Let's go off the record for a second.

12 (Whereupon, the Witness was excused from the
13 courtroom.)

14 JUDGE SIPPEL: Back on the record.

15 MR. SPITZER: And I add this only for the sake of
16 completeness -- completeness, Your Honor, because I know
17 there were some questions about what happened when Mr.
18 Lehmkuhl brought the document to us in New York City. He
19 testified we were surprised. We then had a search done -- a
20 comprehensive search done of the production of documents
21 from Pepper & Corazzini to Constantine & Partners to see if
22 that document was included within that entire universe. And
23 we determined that it wasn't and it hadn't been determined -
24 - hadn't been produced. That is when we immediately sent it
25 to all counsel.

1 JUDGE SIPPEL: So, in other words, you made a --
2 well, you made the determination that it had never come to
3 your -- in your possession.

4 MR. SPITZER: That's correct.

5 JUDGE SIPPEL: It was -- the wide net got
6 everything except the April 28th memo.

7 MR. SPITZER: No, and then we went back --

8 JUDGE SIPPEL: Oh, I'm sorry. Yes.

9 MR. SPITZER: -- this Friday evening, Your Honor,
10 after our --

11 JUDGE SIPPEL: Right.

12 MR. SPITZER: -- court appearance on Friday.

13 JUDGE SIPPEL: Right.

14 MR. SPITZER: And again, Friday, Friday evening
15 and Sunday.

16 JUDGE SIPPEL: Yes, right. And I will acknowledge
17 for the record at this time, too, that you promptly advised
18 me of the situation on Friday.

19 MR. SPITZER: Thank you.

20 JUDGE SIPPEL: So all right. Then is that it
21 then?

22 MR. SPITZER: That is it, Your Honor.

23 MR. BEGLEITER: That's it, Your Honor.

24 JUDGE SIPPEL: All right. Let's go off the record
25 and bring this Witness back in.

1 (The Witness returned to the courtroom.)

2 JUDGE SIPPEL: Back on the record.

3 MR. BEGLEITER: Mr. --

4 JUDGE SIPPEL: I just want to tell the Witness
5 that in your absence, Mr. Spitzer has just brought us up to
6 date in terms of what they did after to determine that they
7 did not in fact have -- have received that April 28th
8 memorandum at an earlier time. That's all.

9 THE WITNESS: Okay.

10 JUDGE SIPPEL: Go ahead.

11 REDIRECT EXAMINATION

12 BY MR. BEGLEITER:

13 Q Yesterday you were asked about expedited
14 coordination by COMSEARCH.

15 A Yes.

16 Q Can you tell me, sir, who would arrange as between
17 you and Liberty or someone else for the expedited
18 coordination?

19 A That would be Liberty.

20 Q And who specifically at Liberty in the period from
21 June 1994 on would make that arrangement?

22 A Behrooz, I believe.

23 Q Thank you. Let's go to 2727 Palisades. Do you
24 remember that building, Mr. Lehmkuhl?

25 A Yes.

1 Q Now, Mr. Lehmkuhl, does -- first of all, Mr.
2 Lehmkuhl, do you know the name Michael Hayden?

3 A Yes.

4 Q And who is he?

5 A He is the chief of the Microwave Branch -- or was
6 the chief of the Microwave Branch at the time.

7 Q Okay. And do you know what -- what part -- what
8 bureau the Microwave Branch is in?

9 A In the Wireless Telecommunications Bureau.

10 Q Now, sir, I'd like you to go to Exhibit 18 -- Time
11 Warner/Cablevision Exhibit 18, as I call it, the thick
12 volume. Okay.

13 JUDGE SIPPEL: And that's the surreply?

14 MR. BEGLEITER: That's the surreply, Your Honor.

15 BY MR. BEGLEITER:

16 Q And was -- was the fact that 2727 Palisades Avenue
17 had -- had unauthorized disclosure revealed in that
18 document?

19 A Yes, it was.

20 Q Okay. And can you point to the page, sir?

21 A I believe it was on the document with identifier
22 002.

23 Q Okay. And that document, sir -- if you go to the
24 back of that document to the last two pages, 008 and 009,
25 those are dated May 17th, 1995?

1 A That's correct.

2 Q And to your knowledge, sir, was this document
3 turned over to the -- to the -- to the Wireless
4 Telecommunications Bureau in the proximity of May 17th,
5 1995?

6 MR. BECKNER: Objection, Your Honor. The Witness
7 previously testified he didn't have anything to do with this
8 document. So there's no foundation been laid and that he
9 would be able to answer the question that Mr. Begleiter has
10 put to him.

11 MR. BEGLEITER: Well, let me ask -- let me ask,
12 will the Bureau concede that this document got to the
13 Wireless Telecommunications Bureau on or about the 17th of
14 May?

15 MR. WEBER: Yes, the Bureau will stipulate as to
16 that. But if -- if -- I mean, obviously, you're going to do
17 with this line of questioning what you're going to do with
18 this line of questioning of the proposed findings. But if
19 you're trying to assert the fact that if something is
20 disclosed in the pleading you fulfill your obligation to
21 also -- to not have to disclose in an application, on behalf
22 of the Bureau, I will say that it is insufficient
23 disclosure.

24 MR. BEGLEITER: No. I'm making a different -- I'm
25 making a different point with this question.

1 JUDGE SIPPEL: Well, this is -- this is adding
2 more confusion than clarity.

3 MR. BEGLEITER: All right.

4 JUDGE SIPPEL: I'm not going to permit any kind of
5 a negotiation for a stipulation right now.

6 MR. BEGLEITER: Okay. Sorry.

7 JUDGE SIPPEL: There's an objection. I'm going to
8 sustain the objection. I want to just ask the Witness,
9 since he has the document in front of him, do you -- sir, do
10 you have -- turn to that page 002.

11 THE WITNESS: Yes.

12 JUDGE SIPPEL: Do you have -- can you tell -- tell
13 this proceeding who the personalities were in the
14 administrative offices that's referred to at the beginning
15 of that paragraph?

16 THE WITNESS: No, I don't know specifically. I
17 would assume that it was -- I don't -- I don't know what's
18 meant by administrative offices. I mean, I can -- I assume
19 that it may be --

20 JUDGE SIPPEL: That's all right. You don't have
21 to --

22 THE WITNESS: -- unrelated to Mr. Nourain.

23 JUDGE SIPPEL: All right. That's all right.

24 That's all I have. That's all I have.

25 MR. BEGLEITER: Okay.

1 JUDGE SIPPEL: Go ahead, Mr. Begleiter.

2 BY MR. BEGLEITER:

3 Q Now, yesterday, Mr. Lehmkuhl, you discussed some
4 telephone conversations that you had with Mr. Nourain
5 sometime in early 1995, is that right?

6 A Yes.

7 Q Now, let's take the period January of 1995 until
8 that telephone conversation that you had with Mr. Nourain
9 toward the end of April.

10 A Okay.

11 Q Okay? In that period, approximately how many
12 telephone conversations would you have had with Mr. Nourain?

13 A A couple, one or two maybe.

14 Q Okay. And can you tell me in any of those
15 telephone conversations, did you discuss -- again this is
16 prior to the conversation of late April -- did you discuss
17 STAs?

18 A No, we did not.

19 Q Okay. Do you have any recollection of ever prior
20 to that conversation in late April going back to when you
21 first became -- became involved with Liberty discussing STAs
22 with Mr. Nourain?

23 A Only in connection with renewing the existing
24 STAs.

25 Q Okay. Did Mr. Nourain ever explain to you his

1 assumptions regarding STAs in that period?

2 A No.

3 Q Okay. And, again, the period being from the time
4 you started with -- with Pepper & Corazzini until late April
5 of '95.

6 A That's correct.

7 Q Okay. Mr. -- Mr. Lehmkuhl, I'd like you to turn
8 to page 3 -- 003 of -- of Time Warner/Cablevision Exhibit
9 18. I'm going to read to you a sentence that was read to
10 you yesterday by Mr. Beckner. And it's going to say, "Mr.
11 Nourain, perhaps inadvisedly [sic], assumed grant of the STA
12 requests which in his experience had always been granted
13 within a matter of days of filing and thus rendered the path
14 operational." The question I'm going to ask you is did any
15 of your conversations or dealings with Mr. Nourain prior to
16 that last week in April -- would any of those -- would any
17 of those conversations be contrary to this statement?

18 A No, they would not.

19 Q Okay. Thank you. Now, in any of the
20 conversations you had from January of 1995 until that third
21 week in -- in April, did you discuss with Mr. Nourain the
22 Time Warner petitions to deny?

23 A Very briefly.

24 Q Okay. Can you tell me how many times and how --
25 and how long the conversations were?

1 A Maybe once or twice, and they were actually a part
2 of a larger conversation. So I'd say maybe a minute or so.

3 Q Okay. And tell me, why were you discussing it
4 with him at all?

5 A I was discussing with him -- I was discussing
6 these with him because -- I mean, they just came up. He had
7 -- he had called about the status of some of the
8 applications. And I had simply mentioned the Time Warner
9 petition.

10 Q Okay. And did you explicitly tell him that Time
11 Warner had petitioned against all of Liberty's licenses?

12 A I don't believe I did, no.

13 Q Let's go -- let's go back to that time and let's
14 figure out what kind of licenses Liberty had on file -- or
15 had filed. Do you know what the term, back-up I-block
16 building, is?

17 A I know the term, I-block, is a term -- it's an
18 engineering term for a hardwire location.

19 Q Okay. And do you know whether Liberty was -- was
20 making any applications for microwave licenses with regard
21 to those hardwire cable buildings?

22 A At that time, no, I did not.

23 Q But do you know it now?

24 A Yes, I do.

25 Q Now, the licenses that were pending at the end of

1 1994, can you tell me for what -- what -- whether -- whether
2 I-block buildings were among those licenses?

3 A Yes. They were a substantial portion of those
4 licenses.

5 Q Were they almost all the licenses?

6 A I believe so, yes.

7 Q Okay. Now, in your conversation with Mr. Nourain
8 regarding the Time Warner petition to deny, did the -- did
9 the subject of the I-block buildings come up?

10 A Yes.

11 Q How?

12 A When I mentioned the Time Warner petition, Behrooz
13 simply answered, oh, yes, the I-block problem. And that was
14 it.

15 Q In your conversations with Mr. Nourain, again,
16 prior to that last week in April, did he say anything that
17 would lead you to believe that he did not believe that the
18 petitions were simply filed against the I-block buildings?

19 A Yes. Wait a minute.

20 Q My question was convoluted.

21 A A double negative.

22 Q Okay. Do you -- do you -- in those conversations
23 that you had with Mr. Nourain, did he say anything that
24 would lead you to believe that he -- that he knew that Time
25 Warner's petitions went beyond the scope of the I-block

1 buildings?

2 A He said nothing to indicate that. I mean, I -- I
3 see that now looking back on that. But certainly not at the
4 time.

5 Q Okay. Now, tell me, sir, was Mr. Nourain the
6 proper person to receive notification of the petitions to
7 deny at Liberty?

8 A No, he was not.

9 Q Did you send Mr. Lehmkuhl -- excuse me, Mr. -- did
10 you, Mr. Lehmkuhl, send Mr. Nourain copies of Time Warner's
11 petitions to deny?

12 A No, I don't believe I did.

13 Q Did you send him any letter or memorandum
14 explaining the consequences of this petition to deny --

15 A No.

16 Q -- again, before the last week of April?

17 A No.

18 Q Okay. Do you know if anybody else did?

19 A I don't know.

20 Q Okay. I'm going to go back to 003 of -- of 18.

21 And I'm going to read a sentence to you. "To compound the
22 situation, the administrative department failed to notify
23 Mr. Nourain that grant of Liberty's application was being
24 held up indefinitely as a result of the Time Warner
25 petitions." Now, I'm going to ask you, sir, whether any of